

disclosures in Fant, the Office Action indicates that Fant can reasonably be considered to teach, or to have suggested, many of the features recited in the pending claims. The Office Action specifically refers to col. 5, lines 25-49 of Fant as allegedly teaching second input image means for inputting a second image. Further, the Office Action cites col. 18, lines 40-65 of Fant as allegedly teaching filter means for eliminating the high spatial frequency component of the second image, and col. 19, lines 10-50 as allegedly teaching interpolation means for interpolating the second image recorded in the memory. At least this analysis in the Office Action of what Fant can reasonably be considered to teach with respect to the subject matter of the pending independent claim fails for at least the following reasons.

Fant, at col. 5, lines 25-49, teaches that a texture surface can be added to an image. It is apparently this texturing and/or texture surface that the Office Action alleges corresponds to the second image recited in the subject matter of the pending claims. There is nothing in the disclosure at col. 18, lines 40-65 that can reasonably be considered to teach filter means for eliminating a high spatial frequency component of the texturing and/or texture surface added to the image of Fant. Further, at col. 19, lines 10-49, Fant discloses that interpolation is performed regarding an image to change an angle of an eye viewing the image. Nothing in this portion of Fant, or otherwise described in the Fant reference, can reasonably be considered to teach interpolation means for interpolating the texturing and/or texture surface recorded in any memory of Fant. The analysis of the Office Action with regard to what Fant can reasonably be considered to teach, therefore, fails because it points to filtering and/or interpolation of what the Office Action appears to allege corresponds to the second image in Fant, nor does the entirety of the disclosure of Fant appear to teach or suggest such relationships.

The Office Action concedes that Fant does not detail that there are separate filters for each image. For this disclosure alone, the application of Fant as allegedly teaching separate

filter means as appears to be described at the bottom of page 2 and the top of page 3 of the Office Action is in error. The Office Action, however, relies on Miller to show separate filters for allegedly eliminating a high spatial frequency component of each image referencing col. 9, lines 10-62, col. 10, lines 30-55 and Fig. 3 of Miller. The Office Action goes on to conclude that it would have been obvious to combine the allegedly separate filters of Miller with Fant because to do so "would allow efficient smoothing and filtering for each image and at each step of the image processing." No objective evidentiary support is provided in the Office Action to support the above quoted conclusory statement. Any analysis of the Office Action regarding what Miller can reasonably be considered to suggest, and the combinability of the references, fails for the following reasons.

Miller teaches an image processing system in which digitized discrete signals, as pixel signals, are processed in a look-up table according to the sum of the current digitized value of a discrete signal multiplied by a factor and the digitized value of the signal from the look-up table for a proceeding discrete signal multiplied by one less the factor for low-filtering, and wherein high-pass filtering is the difference between a factor times the current digitized value of a discrete signal and the digitized value of the low-pass filter from the look-up table for a proceeding discrete signal multiplied by a factor (Abstract). Two-dimensional filtering in a two-dimensional array of pixels is provided (Abstract).

Fig. 3 of Miller teaches an image analysis system having a low-pass filter and a high-pass filter. Miller, however, merely teaches that analysis is performed by filtering for a video image, but does not disclose that filtering and interpolation are performed for a second image in such a manner as may overcome any shortfall in the application of Fant to the subject matter of least the pending independent claims.

Further, the conclusory statement that it would have been obvious have separate low-pass and high-pass filters, as disclosed in Miller, in Fant, "because it would allow efficient

smoothing and filtering for each image and at each step of the image processing" is not enough to prove that there is a teaching, suggestion or motivation in the prior art to combine these references in the manner suggested by the Office Action. The Federal Circuit recently reaffirmed its prior holdings asserting that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, Appeal No. 04-1616, March 22, 2006 (Fed. Cir.) (quoting *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002), and *In re Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998)). This standard is not met here as no articulated reasoning with some rational underpinning is provided. There is nothing for example in either of Miller or Fant that can be relied upon to support such a conclusion, nor has some objective evidence otherwise in the prior art been shown.

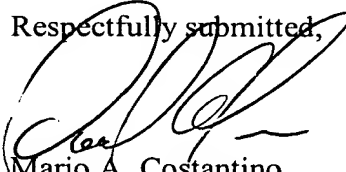
MPEP §2143.01 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP §2143.01 further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" *See also In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicants respectfully submit that the rejection of at least the pending independent claims is improper in view of at least MPEP §2143.01 because the Office Action lacks the required specific evidence of a teaching, suggestion or motivation in the prior art for one of ordinary skill to combine the references.

For at least the above reasons, Fant and Miller are not combinable in the manner suggested by the Office Action. Further, any permissible combination of the applied prior art references cannot reasonably be considered to teach, or to have suggested, at least second image input means for inputting a second image; second filter means for eliminating a high-spatial frequency component of said second image; and interpolation means for interpolating said

second image recorded in said second memory means, as is varyingly recited, among other features, in at least independent claims 7, 17, 25-27 and 30-32. Further, for at least these reasons, and because Nobuichi does not remedy the above-identified shortfall in the application of the combination of Fant and Miller to the subject matter of at least independent claims 7 and 17, claims 8-16 and 18-20 also would not have been suggested by the applied prior art references for at least the respective dependence of these claims on allowable independent claims, as well as for the separately patentable subject matter that each of these claims recites.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 7-20, 25-27 and 30-32 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number set forth below.

Respectfully submitted,

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MAC:DAT/cfr

Attachment:

Petition for Three-Month Extension of Time

Date: November 1, 2006

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